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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,420	09/02/2004	Hideo Kawakami	71912-012	8398
7590 05/11/2007				
McDermott Will & Emery 600 13th Street, N W Washington, DC 20005-3096				
			EXAMINER	
			SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			05/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/506,420

Examiner

Gay Ann Spahn

Applicant(s)

KAWAKAMI ET AL.

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 20 February 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☒ B. Other See Continuation Sheet.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

**NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121) CONTINUATION SHEET**

Continuation of 1C Other.

Applicant must resubmit the entire "Amendments to the Specification" section including the "Amendment to the Title" and the "Amendment to Abstract" for non-compliance with 37 C.F.R. § 1.121.

First, the "Amendment to the Title" does not comply with 37 C.F.R. § 1.121(b)(1)(ii) because Applicant must show the changes relative to the previous title of the invention and the amended title should not have double hyphens at the beginning and end thereof. The only time that Applicant does not have to show changes relative to the previous version is when he is adding an entirely new paragraph that was never in the specification before.

Second, the "Amendment to Abstract" does not comply with 37 C.F.R. § 1.121(b)(1)(ii) because Applicant must show the changes relative to the previous abstract and the amended abstract should not have double hyphens at the beginning and end thereof. This is necessary because the examiner must be able to tell what the differences are relative to the original abstract to make sure the amended abstract complies with 35 U.S.C. § 112, first paragraph (i.e., that no new matter has been added). The examiner notes that the Manual of Patent Examining Procedure (MPEP) section 608.01(b) states that "the abstract of the disclosure has been interpreted to be a part of the specification for the purposes of compliance with paragraph 1 of 35 U.S.C. 112 (In re Armbruster, 512 F.2d 676, 678-9, 185 USPQ 152, 154 (CCPA 1975))".

Third, all amended paragraphs in the "Amendment to the Specification" section should have the double hyphens before and after the paragraphs deleted as this is old amendment format, not new amendment format that was instituted in July of 2003.

Fourth, in the "Amendment to the Specification" section, double bracketing to show deletions can only be used for 5 or less characters and therefore, the amendment to the paragraph beginning on page 26, line 11, should have the words "on lowers" stricken-through instead of within double brackets.

Finally, on the bottom of page 7 of the Amendment filed on 20 February 2007, there should be an instruction to replace the paragraph beginning at page 39, line 1, as follows:

CLAIMS We claim:

Continuation of 2B Other.

See third full paragraph of Continuation of 1C Other above.

Continuation of 4E Other.

The "Amendments to the Claims" section of the Amendment filed on 20 February 2007 does not comply with 37 C.F.R. § 1.121(c)(2) because in claim 1, Applicant has used double brackets to show deletion of more than 5 consecutive characters. Therefore, on line 7 of claim 1, the words "tilt angle" should be stricken-through instead of having double brackets therearound and on line 8 of claim 1, the words "load type" should be stricken-through instead of having double brackets therearound.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571)-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

<sup>GAS</sup>  
Gay Ann Spahn, Patent Examiner  
May 6, 2007

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3800